

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CHARLES EDWARD JARRETT,

Plaintiff,

v.

Civil Action No. 2:21-cv-00629

LT. TERRY JABURS,
Booking Officer, S.C.R.J.; and
D.C.R.

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court are plaintiff's complaint (ECF 2) and application to proceed without prepayment of fees and costs (ECF 7), filed December 2, 2021. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). The magistrate judge filed his PF&R on August 30, 2022 (ECF 8), recommending that the court dismiss the plaintiff's complaint and this civil action for failure to state a claim upon which relief might be granted, as well as deny plaintiff's application to proceed without prepayment of fees and costs.

The court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings and

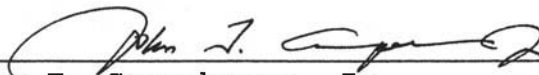
recommendations to which no objection has been addressed. See Thomas v. Arn, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") (emphasis added). Failure to timely file objections constitutes a waiver of de novo review and the plaintiff's right to appeal the order of the court. See 28 U.S.C. § 636(b)(1); see also United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties typically may not "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, pursuant to the Local Rules of the Southern District of West Virginia, pro se parties "must advise the clerk promptly of any changes in name, address, and telephone number." L.R. Civ. P. 83.5. Inasmuch as objections in this case were due on September 16, 2022, and none have been filed, this matter may be duly adjudicated.

Accordingly, it is ORDERED that the findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein.

It is, therefore, ORDERED that this civil action be, and it hereby is, dismissed. It is further ORDERED that the plaintiff's application to proceed without prepayment of fees and costs be, and it hereby is, denied.

The Clerk is directed to forward copies of this written opinion and order to the plaintiff, all counsel of record, and the United States Magistrate Judge.

Enter: September 23, 2022



John T. Copenhaver, Jr.
Senior United States District Judge